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February 13, 2015

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mark Rowney, General Manager
Mariposa Public Utility District
P.O. Box 494
Mariposa, CA 95338

Director William H. Bondshu
Director Dana Finney
Director Robert W. McKnight
Director Larry Enrico
Director David Radanovich
Board of Directors
Mariposa Public Utility District
P.O. Box 494
Mariposa, CA 95338

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

Dear Messrs. Rowney, Bondshu, Finney, McKnight, Enrico, and Radanovich:

I am writing on behalf of Friends of Mariposa Creek and Sarah Windsor (collectively "FMC") in regard to violations of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.* ("Clean Water Act" or "CWA") caused by the Mariposa Public Utility District's failure to comply with the terms and conditions of (1) *Waste Discharge Requirements for the Mariposa Public Utility District, Mariposa Wastewater Treatment Facility, Mariposa County*, Order No. R5-2014-0042, NPDES No. CA0079430 ("2014 NPDES Permit"); and (2) *Waste Discharge Requirements for the Mariposa Public Utility District, Mariposa Wastewater Treatment Facility, Mariposa County*, Order No. R5-2007-0171, NPDES No. CA0079430 ("2007 NPDES Permit") (The 2014 NPDES Permit and the 2007 NPDES Permit are referred to collectively as the "NPDES Permit").

As required by the Clean Water Act, FMC puts the Mariposa Public Utility District, General Manager Rowney, and each of the MPUD's Directors (collectively "MPUD") on formal

notice that, after the expiration of sixty (60) days from the date of this Notice of Violation and Intent To File Suit Letter ("Notice Letter"), FMC intends to file suit in Federal District Court pursuant to Section 505(a) of the Clean Water Act, 33 U.S.C. §1365(a), against the MPUD for the violations described in this Notice Letter.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the owner or managing agent of the facility responsible for the violations, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, and the Executive Officer of the State of California's State Water Resources Control Board ("State Board"). See 40 C.F.R. § 135.2.

FMC intends on filing suit to seek injunctive relief pursuant to CWA Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), declaratory relief, and such other relief permitted by law to remedy the CWA violations outlined below. FMC will also seek civil penalties pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the EPA Regulation, Adjustment of Civil Monetary Penalties for Inflation, set forth at 40 C.F.R. § 19.4 (2009). These provisions authorize civil penalties for each separate violation of the Clean Water Act of up to \$37,500 per day per violation. Finally, FMC will seek to recover its litigation costs, including attorneys' and experts' fees, pursuant to CWA Section 505(d), 33 U.S.C. § 1365(d).

I. ORGANIZATION GIVING NOTICE OF CLEAN WATER ACT VIOLATIONS

Friends of Mariposa Creek is an unincorporated organization of concerned citizens residing in close vicinity to the Mariposa Wastewater Treatment Facility. Members of FMC are concerned about the environmental and public health impacts of the Mariposa Wastewater Treatment Facility ("Facility"). Sarah Windsor is an individual who lives in the vicinity downstream of the Facility and is similarly concerned about its environmental and public health impacts. Ms. Windsor is also a member of FMC. The contact information for Friends of Mariposa Creek and Ms. Windsor is as follows:

Friends of Mariposa Creek
c/o Sarah Windsor
4585 Ben Hur Road
Mariposa, CA 95338
209-966-2408

Sarah Windsor
4585 Ben Hur Road
Mariposa, CA 95338
209-966-2408

Friends of Mariposa Creek's members as well as Ms. Windsor use and enjoy Mariposa Creek and its waters for hiking, relaxing, bird watching, picnicking, viewing the creek and associated wildlife, and other uses. Ms. Windsor owns property which is bordered by Mariposa Creek and, when she is at home, views the creek on a daily basis. Information available to FMC indicates that MPUD discharges high levels of dichlorobromomethane and copper into Mariposa Creek. These pollutant discharges degrade water quality and harm aquatic life in these waters, and thus impair Friends of Mariposa Creek's members as well as Ms. Windsor's use and

enjoyment of the creek and its waters. Further, MPUD's discharges of dichlorobromomethane and copper are ongoing and continuous. As a result, Friends of Mariposa Creek's members' and Ms. Windsor's use and enjoyment of the creek and its waters have been and continue to be adversely impacted by the discharges of elevated levels of dichlorobromomethane and copper to Mariposa Creek.

II. THE ENTITY RESPONSIBLE FOR THE ILLEGAL DISCHARGES

Information available to FMC indicates that the MPUD provides water, wastewater, and fire protection services to the town of Mariposa. The MPUD has 722 waste and wastewater service connections and is about 873 acres in size. It maintains an office at 4992 Seventh Street, Mariposa, CA 95338. The MPUD's facilities include the wastewater treatment facility that is the subject of this letter. Mark Rowney is the General Manager of the MPUD. Operational and budgeting decisions necessary to operate the wastewater treatment facility are determined by a Board of Directors consisting of five members elected at large.

III. THE WASTEWATER TREATMENT PLANT AND THE MPUD'S NPDES PERMITS

The MPUD owns and operates the Mariposa Wastewater Treatment Facility, a Publicly Owned Treatment Works ("POTW"). The Facility is located at 4956 Miller Road, Mariposa, CA 95338. Its design average dry weather flow capacity is 0.61 million gallons per day ("MGD"). The Facility Discharges wastewater to Mariposa Creek, a water of the United States. Mariposa Creek is a tributary to Duck Slough, which flows to the San Joaquin River. Treated municipal wastewater from the Facility is discharged from Discharge Point No. 001 to Mariposa Creek at a point latitude 37° 28' 45.11" N and longitude 119° 57' 32.76" W. The MPUD monitors discharges from the Facility at Monitoring Location EFF-001.

The treatment system at the Facility consists of preliminary influent screening and grinding, oxidation, secondary clarification, chlorination and dechlorination. The treatment train consists of one bar screen, one comminutor, two oxidation ditches, and chlorine gas disinfection applied in one contact chamber. Sludge is taken from the secondary clarifiers and dewatered through one belt filter press and disposed at a landfill.

In 2007, the MPUD obtained a permit pursuant to the Clean Water Act (the 2007 NPDES Permit), which authorizes it to discharge pollutants from the Facility to Mariposa Creek subject to certain terms and conditions. Section IV of the 2007 NPDES Permit contains a number of Effluent Limitations at Discharge Point No. 001, with compliance to be measured at Monitoring Location EFF-001. For dichlorobromomethane, the 2007 NPDES Permit contains effluent limitations of 0.6 µg/L (Average Monthly) and 1.1 µg/L (Maximum Daily). 2007 NPDES Permit, Section IV.A.1, Table 5. For total recoverable copper, the 2007 NPDES Permit contains effluent limitations of 6.1 µg/L (Average Monthly) and 12.3 µg/L (Maximum Daily). *Id.* The 2007 NPDES Permit allowed MPUD approximately three years from the date of permit issuance to come into compliance with the effluent limitations for dichlorobromomethane and

copper, requiring full compliance by not later than May 18, 2010. *Id.*, Section VII.a.i; Section IV.A.1 & 2, Tables 5 & 6.

On March 28, 2014, the Central Valley Regional Water Quality Control Board ("Regional Board") issued the 2014 NPDES Permit to the MPUD. The 2014 NPDES Permit replaced the 2007 NPDES Permit. Section IV of the 2014 NPDES Permit contains a number of Effluent Limitations at Discharge Point No. 001, with compliance to be measured at Monitoring Location EFF-001. For dichlorobromomethane, the 2014 NPDES Permit contains effluent limitations of 0.56 µg/L (Average Monthly) and 1.3 µg/L (Maximum Daily). 2014 NPDES Permit, Table 4. For total recoverable copper, the 2014 NPDES Permit contains effluent limitations of 6.8 µg/L (Average Monthly) and 13 µg/L (Maximum Daily). *Id.*

IV. ALLEGED VIOLATIONS OF THE NPDES PERMIT

The Clean Water Act requires that all regulated dischargers comply with the terms and conditions of their NPDES permit. *See* 33 U.S.C. §§ 1311(a), 1365. Any violation of the NPDES Permit is an enforceable violation of the Clean Water Act. 33 U.S.C. § 1365(f). FMC alleges that MPUD has violated and continues to violate the NPDES Permit by discharging levels of dichlorobromomethane and copper in excess of the effluent limitations set forth in those permits. According to reports submitted to the State Board and Regional Board since at least December 2010, the MPUD has violated effluent limitations in the NPDES Permit on at least 1,624 days.

Violations of Effluent Limitations for Dichlorobromomethane

The following discharges of dichlorobromomethane from the Facility measured at Monitoring Location EFF-001 were in excess of the 2007 NPDES Permit's average monthly effluent limitation for dichlorobromomethane of 0.6 µg/L. These discharges result in at least 1,125 days of violations of that effluent limitation contained in the NPDES Permit.

Average Monthly Concentration of Dichlorobromomethane at EFF-001	Month and Year of Measurement	Number of Days of Violations
1.9 µg/L	December 2010	31
0.74 µg/L	January 2011	31
0.82 µg/L	February 2011	28
1.6 µg/L	March 2011	31
2.1 µg/L	April 2011	30
1.2 µg/L	May 2011	31
1.8 µg/L	June 2011	30
3.3 µg/L	July 2011	31
3.15 µg/L	August 2011	31
1.8 µg/L	September 2011	30
0.67 µg/L	November 2011	30

2.2 µg/L	December 2011	31
3.5 µg/L	January 2012	31
2.4 µg/L	February 2012	29
3 µg/L	March 2012	31
0.9 µg/L	May 2012	31
1.5 µg/L	June 2012	30
4.7 µg/L	July 2012	31
4.3 µg/L	August 2012	31
3.1 µg/L	September 2012	30
2.4 µg/L	October 2012	31
4 µg/L	November 2012	30
1.9 µg/L	January 2013	31
4.5 µg/L	February 2013	28
1.8 µg/L	March 2013	31
1 µg/L	April 2013	30
1 µg/L	May 2013	31
3.1 µg/L	June 2013	30
5.8 µg/L	July 2013	31
3.6 µg/L	August 2013	31
2.7 µg/L	September 2013	30
3.2 µg/L	October 2013	31
1.5 µg/L	November 2013	30
2.2 µg/L	December 2013	31
3.2 µg/L	January 2013	31
3.3 µg/L	February 2013	28
4.4 µg/L	March 2013	31

The following discharges of dichlorobromomethane from the Facility measured at Monitoring Location EFF-001 were in excess of the 2007 NPDES Permit's average daily maximum limitation for dichlorobromomethane of 0.6 µg/L. These discharges result in at least 31 days of violations of that effluent limitations contained in the NPDES Permit.

Average Daily Maximum of Dichlorobromomethane at EFF-001	Date of Measurement	Number of Days of Violations
1.9 µg/L	12/13/10	1
1.6 µg/L	3/7/11	1
2.1 µg/L	4/4/11	1
1.2 µg/L	5/2/11	1
1.8 µg/L	6/13/11	1
3.3 µg/L	7/5/11	1
3.9 µg/L	8/1/11	1
1.8 µg/L	9/7/11	1

2.2 µg/L	12/5/11	1
3.5 µg/L	1/3/12	1
2.4 µg/L	2/1/12	1
3 µg/L	3/5/12	1
1.5 µg/L	6/5/12	1
4.7 µg/L	7/17/12	1
4.3 µg/L	8/1/12	1
3.1 µg/L	9/4/12	1
2.4 µg/L	10/1/12	1
4 µg/L	11/5/12	1
1.9 µg/L	1/1/13	1
4.5 µg/L	2/4/13	1
1.8 µg/L	3/4/13	1
3.1 µg/L	6/3/13	1
5.8 µg/L	7/1/13	1
3.6 µg/L	8/5/13	1
2.7 µg/L	9/3/13	1
3.2 µg/L	10/1/13	1
1.5 µg/L	11/13/13	1
2.2 µg/L	12/2/13	1
3.2 µg/L	1/6/14	1
3.3 µg/L	2/11/14	1
4.4 µg/L	3/3/14	1

The following discharges of dichlorobromomethane from the Facility measured at Monitoring Location EFF-001 were in excess of the 2014 NPDES Permit's average daily maximum limitation for dichlorobromomethane of 0.56 µg/L. These discharges result in at least 275 days of violations of that effluent limitation contained in the NPDES Permit.

Average Monthly Concentration of Dichlorobromomethane at EFF-001	Month and Year of Measurement	Number of Days of Violations
3.5 µg/L	April 2014	30
2.9 µg/L	May 2014	31
3.2 µg/L	June 2014	30
4.5 µg/L	July 2014	31
6.3 µg/L	August 2014	31
7.2 µg/L	September 2014	30
6.9 µg/L	October 2014	31
5 µg/L	November 2014	30
3.1 µg/L	December 2014	31

The following discharges of dichlorobromomethane from the Facility measured at Monitoring Location EFF-001 were in excess of the 2014 NPDES Permit's average daily maximum limitation for dichlorobromomethane of 1.3 µg/L. These discharges result in at least 9 days of violations of the effluent limitations contained in the NPDES Permit.

Daily Maximum Concentration of Dichlorobromomethane at EFF-001	Date of Measurement	Number of Days of Violations
3.5 µg/L	4/1/14	1
2.9 µg/L	5/5/14	1
3.2 µg/L	6/2/14	1
4.5 µg/L	7/2/14	1
6.3 µg/L	8/4/14	1
7.2 µg/L	9/2/14	1
6.9 µg/L	10/1/14	1
5 µg/L	11/3/14	1
3.1 µg/L	12/1/14	1

Violations of Effluent Limitations for Copper

The following discharges of copper from the Facility measured at Monitoring Location EFF-001 were in excess of the 2007 NPDES Permit's average monthly effluent limitation for copper of 6.1 µg/L. These discharges result in at least 183 days of violations of the effluent limitations contained in the NPDES Permit.

Average Monthly Concentration of Copper at EFF-001	Month and Year of Measurement	Number of Days of Violations
9 µg/L	July 2012	31
6.42 µg/L	August 2012	31
7.26 µg/L	October 2012	31
6.8 µg/L	February 2013	29
10.6 µg/L	November 2013	30
6.7 µg/L	December 2013	31

On November 21, 2013, the daily maximum concentration of copper measured at Monitoring Location EFF-001 was in excess of the 2007 NPDES Permit's daily maximum effluent limitation for copper of 12.3 µg/L. This discharges result in a single day of violation of that effluent limitations contained in the NPDES Permit.

The MPUD's violations of the Effluent Limitations of the NPDES Permit are ongoing. The MPUD's violations will continue each day it discharges levels of dichlorobromomethane and copper in violation of the Effluent Limitations of the NPDES Permit and the Clean Water

Act. The MPUD is subject to penalties for all violations of the NPDES Permits and the Clean Water Act occurring in the five (5) years prior to the date of this Notice Letter.

VII. PERSONS RESPONSIBLE FOR THE VIOLATIONS

FMC puts the Mariposa Public Utility District, Mark Rowney, and each Director of MPUD's Board of Directors on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, FMC puts the MPUD and the above individuals on notice that it intends to include those persons in this action.

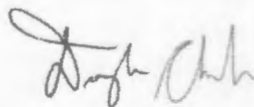
VIII. CONCLUSION

FMC has retained legal counsel to represent it in this matter. Please direct all communications to Lozeau Drury LLP at the address/number below:

Michael Lozeau
Douglas Chermak
Lozeau Drury LLP
410 12th St., Suite 250
Oakland, CA 94607
Telephone: (510) 836-4200
michael@lozeaudrury.com
doug@lozeaudrury.com

FMC believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. Upon expiration of the 60-day notice period, FMC will file a citizen suit enforcement action against the MPUD, Mark Rowney, and each Director of MPUD's Board of Directors, pursuant to Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), for the above-referenced violations. During the 60-day notice period, however, FMC is willing to discuss effective remedies for the violations noted in this letter. If MPUD wishes to pursue such discussions prior to the initiation of litigation, we suggest that it initiate those discussions as soon as possible.

Sincerely,



Douglas Chermak
Lozeau Drury LLP
Attorneys for Friends of Mariposa Creek and
Sarah Windsor

SERVICE LIST

(via registered mail, return receipt requested)

Gina McCarthy, Administrator
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Washington, D.C. 20460

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State Water Resources Control Board
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Eric Holder, U.S. Attorney General
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